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February 29, 2000

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OF COUNSEL

Dear Mr. Noble:

999 E. Street, N.W. Washington, DC 20463

Lawrence Noble

This complaint presents violations of the Federal Election Campaign Act of 1971, as amended ("The Act"), by Michael J. Rogers; the Rogers for Congress Committee ("the Campaign"); Teresa Ann Reid; Jerry Spitlee; Scott Spitlee; and Todd Spitlee.

Rogers is a Republican candidate to represent Michigan's Eighth Congressional District in the United States House of Representatives. Rogers for Congress is his principal campaign committee. Ms. Reid is the campaign's treasurer.

Rogers' most recent FEC report shows that he has committed several serious violations - and may have committed others as well.

Receipt of Illegal Corporate Contributions

The Year End Report shows that the Rogers campaign received illegal in-kind contributions from corporations. The report shows in-kind contributions from five entities: Premier Technologies in Newark, New Jersey; La Prima in Washington, DC; the City Club of Washington in Washington, DC; Marion Oaks Golf Club in Howell, Michigan; and Lake Pointe Manor in Howell, Michigan. (See attachment)

Lawrence Noble February 29, 2000 Page 2

If any of the above entities are incorporated, then Rogers has received an illegal contribution. See 2 U.S.C. 441b. That each one is incorporated is suggested by attached documents and by the campaign's failure to report the contributions as partnership contributions or as individual contributions received through a sole proprietorship account.

Receipt of Excessive Contributions

The Year End Report shows that Rogers blatantly violated the \$1,000 limit. It discloses that Jerry Spitlee and Scott Spitlee each made in-kind contributions of \$2,000 during the primary election, and that Todd Spitlee made in-kind contributions totally \$1,742.16 during that same election. (See attachment) Federal law allows individuals to give only \$1,000.00 per election to a candidate for Congress. 2 U.S.C. 441a(a)(1).

The campaign claims that the excessive portions of these contributions were designated for the general election. However, this cannot be the case. When a candidate receives a contribution for the general election, he must segregate those funds and may not spend them until he has won the nomination. See 11 C.F.R. 102.9(e). As a result, the Commission has made it clear that candidates normally may not accept in-kind contributions for the general election until after the primary.¹

All of the Spitlee contributions are plainly excessive. The campaign never should have accepted the excessive portions in the first place - and in fact should have refunded them long ago. See 11 C.F.R. 103.3(b)(3).

¹While the Commission created a special exception from this rule for the donation of computer equipment to be used in both elections, it clearly stated that this exception did not apply to donations of food, beverages and other items needed during one election. See Advisory Opinion 1996-29.

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Conclusion

The above violations go to the heart of Federal election law and the integrity of the electoral process. Accordingly, we ask that the Commission seek the highest civil penalties allowed by law. Moreover, because Rogers can be expected to commit similar violations until the general election, we ask that the Commission act promptly on this complaint and seek an injunction against future violations.

THE FOREGOING STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF.

ANDREW NICKELHOFF

Subscribed and sworn to before me this 29th day of February, 2000

Ruby McQueen, Notary Public Wayne County, Michigan My Comm. Expires: 2/13/02

Dated: February 29, 2000

News from

THE MICHIGAN DEMOCRATIC PARTY

00-035
FOR IMMEDIATE RELEASE
Wednesday, March 1, 2000

CONTACT: Dennis Denno

(517) 371-5410

ROGERS' CAMPAIGN BREAKS CAMPAIGN LAW

Rogers Illegally Accepts Corporate Contributions, Excessive Donations

LANSING—In his attempt to raise money for his Congressional campaign, State Senator Mike Rogers (R-Brighton) broke numerous campaign laws. Those violations include accepting illegal money from corporations and accepting contributions that exceeded legal limits. The Michigan Democratic Party (MDP) will file a complaint today with the Federal Election Commission (FEC) over Rogers' illegal activities.

"Rogers' report is riddled with improper actions and illegal money," said Mark Brewer, Chair of the MDP. "For a former law enforcement official to be breaking the law in such a flagrant way is disturbing, at best."

The complaint shows that the Rogers for Congress committee accepted numerous in-kind contributions from corporations over the final six months of 1999. Totaling thousands of dollars, there were contributions from:

- Lake Pointe Manor in Howell, Michigan--\$5,742.16.
- The City Club of Washington in Washington, DC--\$450.45;
- Marion Oaks Golf Club in Howell, Michigan--\$294;
- La Prima of Washington, DC--\$140.25; and
- Premier Technologies of Newark, New Jersey--\$43.22.

Also detailed in the complaint were a number of contributions that exceeded legal limits, which is also against the law. Rogers' year-end report shows nearly \$3,000 in contributions that exceed the legal limit. Despite the fact that those contributions were illegal, the campaign never made an attempt to refund the excessive portions.

"Rogers has repeatedly broken election laws in his campaign, even going to far as to take direct corporate contributions," Brewer said. "Actions like these from Rogers will just give working families one more reason to be distrustful of him in November."

Check Out the MDP on the Web: www.mi-democrats.com

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